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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 NATHAN HALL,
13 Defendant.

Case No. CR13-113RSL

ORDER CONTINUING
TRIAL AND PRETRIAL
MOTIONS DATES

15 This matter comes upon the oral motion for trial continuance made by Defendant Hall,
16 through counsel, at the pretrial status hearing on September 10, 2018.

17 THE COURT having considered Defendant's oral motion, as well as the record and files
18 herein, including Defendant's written waivers of speedy trial and the United States' non-
19 opposition, hereby makes the following findings:

20 1. Defendant Hall was indicted by a grand jury in 2013. His first appearance in this
21 district was in January, 2018. Trial originally was scheduled for April, 2018, but was continued
22 upon the motion of Defendant to September 24, 2018. The delay resulting from the first
23 continuance was excluded pursuant to 18 U.S.C. §3151(h) for reasons stated in the Order issued
24 at that time.

25 2. On September 10, 2018, Defendant, through counsel, orally requested an
26 additional trial continuance. Defense counsel explained to the Court that recently-obtained
27 material witness statements necessitated a review of the defense strategy, particularly with
28 regard to the proposed defense expert. Defense counsel represented that he required additional

1 time to consult with his proposed expert, his client, and other potential defense witnesses, in
2 order to adequately and effectively represent his client at trial.

3 3. Defense counsel represented that failure to grant this continuance would be likely
4 to result in a miscarriage of justice, in that it would deny him the reasonable time necessary for
5 effective preparation, in light of the complexity of the case and the numerous international
6 witnesses. Counsel suggested that in light of the recently-obtained material, it would be
7 unreasonable to expect adequate preparation for trial on the date scheduled.

8 4. The United States, while ready to proceed on September 24, 2018, does not
9 oppose the defense request. The Court was prepared to conduct the trial beginning on
10 September 24, 2018.

11 5. The Court agrees that to permit counsel to perform effectively, and to avoid a
12 miscarriage of justice, the defense needs adequate time to review the new material, investigate,
13 and consult with his proposed expert and others before trial. Taking into account the exercise of
14 due diligence, the Court further agrees that the current schedule provides insufficient time to
15 insure effective trial preparation within the meaning of 18 U.S.C. §§ 3161(h)(7)(B)(i) and
16 3161(h)(7)(B)(iv).

17 6. Defendant has submitted a written “waiver” of the right to a speedy trial,
18 indicating that he understands and agrees that a delay in trial is in his best interest. Defendant
19 has indicated that he understands that his trial is being delayed only because of his request and
20 his attorney’s factual representations that more time is necessary to ensure his Constitutional
21 rights are protected.

22 7. Under these circumstances, the Court finds that a failure to grant the continuance
23 would deny counsel the reasonable time necessary for effective preparation, taking into account
24 due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

25 8. The Court further finds that the ends of justice will be served by ordering a
26 continuance in this case, that a continuance is necessary to insure effective trial preparation, and
27 that these factors outweigh the best interests of the public in a more speedy trial, within the
28 meaning of 18 U.S.C. § 3161(h)(7)(A).

1 9. Defendant has signed a waiver indicating that he has been advised of his right to a
2 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
3 that right and consented to the continuation of his trial to a date up to and including March 29,
4 2019, Dkt. # 159, which will allow trial to begin on March 4, 2019, as requested.

5 IT IS THEREFORE ORDERED that the defense motion is GRANTED. The trial date in
6 this matter is continued to March 4, 2019. The pretrial motions deadline has passed. Any new
7 pretrial motions, including motions in limine, shall be based on newly disclosed material only,
8 and shall be filed no later than February 4, 2019.

9 IT IS FURTHER ORDERED that the time period between the date of the motion and the
10 new trial date is a reasonable delay and is excludable time, pursuant to 18 U.S.C.
11 §§ 3161(h)(7)(A) and 3161(h)(6).

12 DATED this 14th day of September, 2018.

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16 Robert S. Lasnik
17 United States District Judge